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MEMORANDUM FOR: See Distribution

FROM:

Chief, Legislation Division, OGC

SUBJECT: Public Law 97-89, the Intelligence
Authorization Act for Fiscal Year 1982

1. The President signed the Fiscal Year 1982 Intelligence Authorization Act on 4 December 1981. A copy of P.L. 97-89 is attached for your information and retention. The Fiscal Year 1982 Authorization Act illustrates the degree to which we have increasingly been successful in utilizing the annual appropriations authorization process to obtain statutory provisions benefiting the Agency and the Intelligence Community.

2. Title V of the Act contains a provision which significantly expands DCI authorities in the area of benefits, allowances, and travel. These provisions ensure that we will always be able to maintain comparability between CIA benefits and those of the Foreign Service. There also is authority for additional benefits necessary to meet the special requirements of work related to intelligence activities. The new travel authorities, which are applicable notwithstanding any other provision of law relating to travel of government employees, are quite broad as well. The legislative history of these provisions makes clear that they are meant to provide authority for payments to dependents as well as employees. (See in particular, House Report 97-332, the Conference Report to accompany H.R. 3454, distributed previously.) The Conference Report also contains language clarifying the requirement that regulations issued pursuant to the new benefits, allowances, and travel authorities are to be submitted to the House and Senate Intelligence Committees before they take effect.

3. Section 502 of the Act significantly revises and expands subsection 5(d) of the Central Intelligence Agency Act of 1949, the Agency's firearms authority.

4. Section 503 of the Act protects the CIA name, initials, and seal against unauthorized use. This provision has already been effective in causing at least one commercial enterprise using the initials "CIA" to accompany its advertisements with a specific disclaimer of approval, endorsement, or authorization by the Central Intelligence Agency.

5. Title VI of the Act contains a number of significant provisions for the National Security Agency. These include benefits and allowances analogous to those provided for CIA personnel; language training and the Cryptologic Linguist Reserve Program; Cryptologic Research Grants; authority to establish a Senior Cryptologic Executive Service; and protection for the NSA name, initials, and seal.

6. Title VII of the Act grants authority for the establishment of a Defense Intelligence Agency Senior Executive Service and Merit Pay System.

7. It should be noted that the Act specifies a retroactive effective date of 1 October 1981 for the provisions in Titles V, VI, and VII.

8. The Act also contains, at Section 504, an amendment to subsection 303(a) of the National Security Act of 1947 which increases compensation payable to members of advisory committees appointed by the National Security Council or the Director of Central Intelligence.

9. The Senate-passed version of the Authorization Act would have provided federal criminal penalties for physical attacks upon intelligence officers, persons admitted to the United States because of their contribution to our intelligence efforts, and persons present in the United States under intelligence auspices. Unfortunately, this provision was dropped in conference because of jurisdictional concerns expressed by the House Judiciary Committee. HPSCI Chairman Boland has introduced the measure as a separate Bill (H.R. 4940), and we will be pursuing it in the second session of the 97th Congress. We also expect a separate Bill to be introduced in the Senate.

10. Section 103 of the Act contains a compromise provision on the issue of notification to Congress of expenditures in excess of program authorizations. The section is much improved over the provision contained in the Fiscal Year 1981 Authorization Act. The Conference Report contains additional clarification, including recognition that there is a relationship between section 103 and the intelligence oversight language enacted in 1980 and codified as Section 501 of the National Security Act of 1947. Section 103 should also be read in conjunction with Section 784 of P.L. 97-114, the Department of Defense Appropriation Act for Fiscal Year 1982, which deals with notifications to the House and Senate Appropriations Committees.

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